

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 1910

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Introduced by Assembly Members ~~Hagman and Ma~~ and *Hagman*

February 22, 2012

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An act to amend ~~Section 1797.101~~ *Sections 41751 and 41753* of the Health and Safety Code, relating to ~~emergency medical services nonvehicular air pollution~~.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1910, as amended, ~~Hagman Ma. Emergency medical services. Portable internal combustion engines: registration program.~~

(1) Existing law establishes a voluntary statewide registration program for persons who operate portable equipment that may cause the issuance of air contaminants. Existing law requires an owner or operator of portable equipment who elects to not voluntarily register his or her portable equipment through the statewide registration program to obtain a permit from the applicable air pollution control district or air quality management district. Existing law requires an engine that remains at a fixed location for more than 12 consecutive months to be excluded from the definition of portable equipment for these purposes. Existing law, for purposes of portable internal combustion engines, defines “fixed location” to mean any single site at a building, structure, facility, or installation.

This bill would additionally exclude from the definition of portable equipment, for purposes of these programs, a portable internal combustion engine that is relocated to different locations for a legitimate business purpose for no more than 12 consecutive months at each new location, including a return to a prior location, as specified. The bill

would prohibit districts from requiring a permit for the construction or operation of portable equipment whether or not that portable equipment replaces or supplements an ongoing primary activity at a facility or installation, provided the replacement or supplemental portable equipment meets the emission limits, as specified. The bill would delete the definition for “fixed location” for purposes of portable internal combustion engines. The bill, for purposes of registration programs for persons who operate portable equipment that may cause the issuance of air contaminants, instead would define “location” to mean any single point, within a building, structure, facility, or installation, within which there are multiple points. By imposing new duties on air pollution control districts and air quality management districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the Emergency Medical Services Authority, and requires the authority to be headed by a director who is a licensed physician and surgeon with substantial experience in the practice of emergency medicine.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 41751 of the Health and Safety Code is  
2     amended to read:

3     41751. (a) (1) As used in this article, “portable equipment”  
4     includes any portable internal combustion engine and equipment  
5     that is associated with, and driven by, any portable internal  
6     combustion engine.

7     (2) (A) As used in this article, and except as provided in  
8     subdivision (b), a “portable internal combustion engine” is any

1 internal combustion engine that, by itself, or contained within or  
2 attached to a piece of equipment, is portable or transportable.

3 (B) As used in this paragraph, “portable or transportable” means  
4 designed to be, and capable of being, carried or moved from one  
5 location to another. Indicia of portability or transportability include,  
6 but are not limited to, wheels, skids, carrying handles, or a dolly,  
7 trailer, or platform.

8 (3) *As used in this article, “location” means any single point,*  
9 *within a building, structure, facility, or installation, within which*  
10 *there are multiple points.*

11 (b) Any engine otherwise included in this section is not a  
12 portable internal combustion engine if ~~either~~ any of the following  
13 applies:

14 (1) The engine remains, or will remain, at a fixed location for  
15 more than 12 consecutive months. ~~For purposes of this paragraph,~~  
16 ~~a “fixed location” is any single site at a building, structure, facility,~~  
17 ~~or installation.~~

18 (2) *The engine is relocated to different locations for a legitimate*  
19 *business purpose for no more than 12 consecutive months at each*  
20 *new location, including a return to a prior location. Those times*  
21 *the engine was relocated to a new location for no more than 12*  
22 *consecutive months shall be considered cumulative.*

23 ~~(2)~~

24 (3) The engine is used to propel nonroad equipment or a motor  
25 vehicle of any kind, including, but not limited to, a heavy-duty  
26 vehicle.

27 (c) Portable equipment includes, but is not limited to, any of  
28 the following:

29 (1) Confined and unconfined abrasive blasting equipment.

30 (2) Portland concrete batch plants.

31 (3) Sand and gravel screening, rock crushing, unheated pavement  
32 crushing, and recycling operations equipment.

33 (4) Consistent with federal law, portable internal combustion  
34 engines used in conjunction with, but not limited to, the following  
35 types of operations or equipment:

36 (A) Well drilling, including service equipment and work over  
37 rigs.

38 (B) Power generation, excluding cogeneration.

39 (C) Pumps.

40 (D) Compressors.

1 (E) Pile drivers.

2 (F) Welding.

3 (G) Cranes.

4 (H) Wood chippers.

5 (5) Equipment necessary for the operation of portable  
6 equipment.

7 *SEC. 2. Section 41753 of the Health and Safety Code is*  
8 *amended to read:*

9 41753. (a) (1) It is the intent of the Legislature that the  
10 registration of, and the regulation of emissions from, portable  
11 equipment that is operated in more than one district and that is  
12 subject to the registration program be done on a uniform, statewide  
13 basis by the state board and that the permitting, registration, and  
14 regulation of portable equipment by the districts be preempted.

15 (2) Notwithstanding paragraph (1), if the owner or operator of  
16 portable equipment elects not to register under the statewide  
17 registration program, the unregistered portable equipment shall be  
18 subject to district permitting requirements pursuant to district  
19 regulations.

20 (b) On and after the effective date of the statewide registration  
21 program established by the state board pursuant to subdivision (a)  
22 of Section 41752 and upon the registration of portable equipment  
23 by the portable equipment owner or operator, a district shall not,  
24 with respect to the affected portable equipment, do any of the  
25 following:

26 (1) Require a permit for the construction or operation of the  
27 portable equipment *whether or not that portable equipment*  
28 *replaces or supplements an ongoing primary activity at a facility*  
29 *or installation, provided the replacement or supplemental portable*  
30 *equipment meets the emission limits established by the state board*  
31 *pursuant to subdivision (a) of Section 41751 and consistent with*  
32 *Section 41754.*

33 (2) Assess any fee related to the construction or operation of  
34 the portable equipment, other than that specified in paragraph (2)  
35 of subdivision (d) of Section 41752.

36 (3) Adopt any emission limit or emission control requirement  
37 applicable to the portable equipment.

38 (4) Except as provided in Section 41755, enforce any emission  
39 limit or emission control requirement applicable to the portable  
40 equipment.

1 (c) The state board, in consultation with affected districts, shall  
2 amend the state implementation plan as necessary to include the  
3 statewide registration program and conform the state  
4 implementation plan to its requirements.

5 *SEC. 3. If the Commission on State Mandates determines that*  
6 *this act contains costs mandated by the state, reimbursement to*  
7 *local agencies and school districts for those costs shall be made*  
8 *pursuant to Part 7 (commencing with Section 17500) of Division*  
9 *4 of Title 2 of the Government Code.*

10 ~~SECTION 1. Section 1797.101 of the Health and Safety Code~~  
11 ~~is amended to read:~~

12 ~~1797.101. The Emergency Medical Services Authority shall~~  
13 ~~be headed by the Director of the Emergency Medical Services~~  
14 ~~Authority who shall be appointed by the Governor upon nomination~~  
15 ~~by the Secretary of California Health and Human Services. The~~  
16 ~~director shall be a physician and surgeon licensed in California~~  
17 ~~pursuant to Chapter 5 (commencing with Section 2000) of Division~~  
18 ~~2 of the Business and Professions Code, and who has substantial~~  
19 ~~experience in the practice of emergency medicine.~~